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Regmi Research (Private) Ltd,
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On The Nepal-China War

1. Instructions To Kaji Devadatta Thapa¹

From King Ran Bahadur.

Regulations regarding the matters to be represented to the Chinese Emperor through Kaji Devadatta Thapa.

We had offered Khillat² and Kitap³ to the Chinese Emperor and thus shown regard for him.⁴

We knew nothing about the army of China. Syamarpa Lama said that he had lived in China for 5 or 7 years and that China's system⁵ was good. We felt that he had told us good things and therefore relied on him. He thus created a quarrel between Tibet and us.

When Tung Thyang reached Lhasa with a big army, we told Syamarpa Lama: "You said you would be responsible if the Chinese came. Go there and meet your obligations." Thereupon Syamarpa Lama said, "I am ill. I shall go there after I get well." He showed great difficulty in saying this. He continued to be ill, and after a few days he died.

After this Tung Thwang entered into our Kingdom with a big army. We had shown regard for the Emperor from former times. This happened because we trusted a mean person. We then sent our Bhardars to Tung Thyang to seek his favor and take refuge.⁶ Tung Thwang gave them refuge as was sought for. He said, "We shall settle your quarrel with Tibet. Send a Kaji with us along with a petition and presents to the Emperor. I shall present him before the Emperor, provide refuge and send him back pleased, with great honors and rewards." The Maharaja⁷ said, "I am a child. If I send my uncle,⁸ there will be nobody to look after the country. I cannot therefore send him."

1. Regmi Research Collections, Vol. 5, PP. 220-222.

2. An Arabic term meaning robes presented by the State as a token of respect.

3. A corrupt form of the Arabic Kitab. It may mean either the collar of a robe or a book.

4. The original sentence is: "Chin Badshah lai hamile khilat ra kitap sir Charhai Badshah lai manyaiko ho."

5. The term used is dastur.

6. Nepali expression is: "Baksauna Pichha Parna."

7. King Ran Bahadur.

8. Bahadur Shah.

Contd...

(Tell the Emperor): "We have accordingly been sent to seek favor and take refuge. That is how we have come."

If Tung Thyang shows favor and asks you to represent your interests and difficulties, represent the following matters to the Emperor:-

From time immemorial, Nepal and Tibet had been using pure silver coins without any copper alloy. Later kings were indigent, and therefore they minted counterfeit coins mixed with copper and sent them to Tibet. During our regime, feeling that it was better to use pure silver, we sent (coins) accordingly. In the beginning, Lhasa too considered this good. Subsequently, the pure silver coins and the coins mixed with coins began to circulate at par. Traditionally, the custom of using copper and silver on an equal basis has not existed. Sin will accrue if counterfeit coins are used. This will not be auspicious. Say that if our request is to be granted, Lhasa should be ordered to use pure silver coins.

If asked about (our relations) with the Tirangis, say that courtesy in the form of correspondence exists.

If asked about (our relations) with Nawab Asafuddaula, say: "Our frontiers adjoin his in the west. He is on good terms with us."

Say: "The Emperor has granted us refuge. We too show regard for the Emperor. If at any time a powerful enemy attacks us, we shall request assistance. At that time, we must be helped with letters and troops."

Have the words "we shall help you" inserted in the letter to be sent to us by the Emperor. Give this matter topmost priority.

• Aswin Sudi 2, 1849.

2. Letter Sent To King Ran Bahadur Shah From Digarcha By Nepali Delegation Which Had Returned From Peking⁹

Obeisance from Your Majesty's servants, Devadatta Thapa, Pratiman Rana, Jayanta Shah and Balabhadra. We are well here. Our obligations shall be fulfilled if Your Majesty too is well. The news here is good, thanks to Your Majesty's valor.

⁹ Dhanabajra Bajracharya and Gyan Mani Nepal (Editors), Aitihāsik Patra-sangraha (A Collection of Historical Letters). Kathmandu: Nepal Samskritik Parishad, 1957, PP. 77-79.

In our previous letter, we had described our journey to Lhasa. It must have been represented to Your Majesty. We left Lhasa on Bhadra 16 and reached here on Bhadra 26. We shall meet the Lama here and leave this place in 2 or 4 days. Because of ... (words missing), the people have no geldings. Since we will have to use horses on bad roads, there may be some delay on the way. We shall not be able to arrive there for the Dashain festival. We think we shall be able to appear before Your Majesty 5 or 7 days after the Dashain.

Hi Taloya, Li Taloya, Li Foya and Ma Foya, who accompanied us from Kerung to Peking, are Kashmiri interpreters. They came back to Lhasa from Peking along with us. The two Taloya interpreters remained in Lhasa. The Khan Amba summoned Li Foya, Ma Foya and Chhin Taloya of Digarcha to Lhasa and gave them necessary instructions. These three Chinese officials, and the three Dhewas of Lhasa, a... , Dhigirpatemba and Tashikhamza, and an interpreter of the four Kajis of Lhasa called Dharke, seven persons in all, will escort us up to Kerung. (Li) Foya and Ma Foya, who will go back from Kerung, are Jamadars of 200 troops each. They took great care of us of the way and suffered much. It will therefore be good if Your Majesty sends us 3 Swords and Khukuris inlaid with gold, as well as ... brocade of crimson color and 1 bakkhu (woolen blanket) to the 2 Taloyas and Li Foya. They will feel pleased. ... Your Majesty should send some presents also to the 3 Dhewas and 1 interpreter of Lhasa. The Dalai Lama and the Khan Amba have sent Dhewa Chitung to Nepal from Lhasa along with instructions. They will come along with us and represent all matters there.

We came to Tibet on ... business. If Your Majesty so pleases, we shall stay in Tibet for 1 or 2 days. We could make acquaintance from Tibet itself and then appear before Your Majesty. It will be good if the (present) solicited for the Chinese and Dhewas are sent soon. We shall represent other particulars after we come there. What more to wise persons ?

Bhadra Sudi 3, Camp Digarcha.

Explanation

After a treaty was concluded with China in 1849, a Nepali delegation consisting of Kaji Devadatta Thapa, Subba Pratiman Rana, Jayant Shah, (son of Narasingh Taksari) and Balabhadra (son of Khardar Bishnu-shankar), went to the Chinese Emperor with presents. This letter was sent to King Ran Bahadur Shah after the delegation returned from China and arrived in Digarcha. Before this, the delegation had sent a letter from Lhasa, describing its arrival in China. But we have not been able to secure that letter.

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This letter does not contain the year. It mentions only the day of the month and of the week. A perusal of the calendar for that period shows that the date is Bhadra 23, 1853 Vikrama. The letter mentions that the delegation would reach Kathmandu only after the Dashain. Thus it took about three years for the Nepali delegation to return from China.

After they crossed the frontiers of Nepal, members of the Nepali delegation was treated as guests of China. The Chinese government deputed its officials to escort them up to the frontiers on their way back. Their traveling expenses were borne, and all other arrangements made, by the Chinese government itself. Tibet too made some arrangements of its own in addition. In fact, it deputed officials to escort the delegation up to Kathmandu. The Nepalis took interpreters along with them while visiting Tibet and China. This letter mentions that the Nepali delegation was accompanied by a Kashmiri interpreter. Probably the Nepalis used the Persian language, which was used prominently at that time.

In this letter, the Nepali delegation has requested King Ran Bahadur Shah to give Nepal-made goods such as Khukuris and Banat cloth as presents to the Chinese officials (Jamadars) who escorted it up to Tibet.

Village Panchayats During The Rana Period

Village Panchayat Act, 1940*

Preamble:

Whereas it has been represented that even in cases other than those mentioned in Section 5 of the Law on Judicial Authority of Jagirdars and Birta owners in which compromise can be effected by the prominent persons of the village without formal complaints and responses being filed or penalties being awarded, (the litigants) do not approach such prominent persons, and, instead, take recourse to the court even in minor matters which could be settled amicably, so that they cannot attend to their occupations and are liable to undergo penalties, and are thus harassed,

Whereas, on Baisakh 27, 1983 (May 10, 1926) an order was issued authorizing the formation of Panchayats in Dang-Deukhuri district on an experimental basis to see whether the establishment of Panchayats could facilitate the quick disposal or amicable settlement of complaints or disputes within the village itself, thereby enabling the people to attend to their occupations without any hindrance,

Whereas Panchayats consisting of elected representatives of the local villages were formed (under the aforesaid order) and entrusted with the functions of maintaining law and order within the Panchayat area, cultivating (waste) lands, making arrangements for construction of dams, irrigation channels, etc;

Whereas Panchayat courts had also been established to dispose of complaints or disputes in matters affecting the customs, usages, etc of the local Tharu community, through persuasion or compromise where possible or else through direct arbitration (by the Panchayat Court),

Whereas Panchayats had been instituted in 1930 at 2 places in Bhaktapur, 6 places in Lalitpur (including one at Lubhu), 9 places in Kathmandu and in 1936, one Panchayat had been formed for every 4 or 5 villages or moujas in Saptari and Bethari (Tarai) and in East No. 2 and West No. 3 (hill region) at the discretion of the local Bada Hkims, subject to the provision that all disputes or complaints filed according to law shall, as far as practicable, be disposed of or settled by Panchayats through persuasion or compromise in the presence of the Chairman of the Panchayat, to be elected by people in the Panchayat area, other Panchayat members and the litigants, as well as the prominent persons of the village, and where compromise is not possible the disputes shall be referred to the court.

*Government of Nepal, Gaun Panchayat Ko Ain (Village Panchayat Act). First Promulgated: Aswin 19, 2006 (October 5, 1949). Reprinted: 2009 Vikrama (1952). Kathmandu: Gorkhapatra Press, 31. PP.

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Whereas reports submitted by district headquarters offices state that Panchayats in all the areas where these have been formed are performing their functions without giving excuse to any person for filing complaints thereagainst, that complaints about improper actions by Panchayat members have not so far been received and that the establishment of Panchayats in an orderly manner within a short time there has proved to be of a great convenience for the villagers in getting their grievances redressed locally, without suffering any harassment, so that people in other districts too have started demanding the formation of Panchayats in their villages,

Whereas orders and regulations had been promulgated providing for the formation of such Panchayats in all the towns and villages or moujas both inside and outside of Kathmandu Valley at the discretion of the (appropriate) district Bada Hakims, and empowering (Panchayats) to dispose of public complaints by effecting compromise in accordance with the law in the presence of the Jimidar or Talukdar of the village, who will function as chief Pancha, and other Panchayat members elected by the local residents,

Whereas reports from district headquarters offices in the districts where Panchayats were formed in the above-mentioned manner have stated that Panchayats there are functioning well and that no complaints against any Panchayat member have so far been received, thus indicating that the public in those districts as well can now get their complaints disposed of locally, without facing any inconvenience or harassment thanks to the introduction of Panchayats in their villages,

Whereas Jimidars and other prominent persons as well as other people from the Tarai districts have submitted petitions to us to the effect that it would be convenient to all if a provision was made stipulating that no complaint filed by any person shall be entertained unless it is first lodged with the local Village Panchayat, and if other additional powers were conferred on Panchayats,

Whereas, in response to the aforesaid petition, provisions have been made for forming Village Panchayats each consisting of a Chairman elected by a majority of the local inhabitants, 7 members elected by them, and a member nominated by the government, with powers to dispose of cases by effecting compromise where possible according to the law, and where no compromise is possible, dispose of the cases directly, in case the sum involved in litigation does not exceed Rs 100.00, and in case the fines to be awarded in such cases do not exceed Rs 25.00; for prohibiting any villager to file his cases directly at the (Civil or Criminal) Court without obtaining from the appropriate Panchayat a certificate authorizing him to do so; and for entrusting Panchayats with such functions as making arrangements for sanitation and cleanliness in the Panchayat area, maintaining law and order, promoting the development of education, agriculture, industry, etc., arranging for the construction and maintenance of dams,

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channels and other irrigation facilities as well as of roads, taking such measures as may be needed to insure that the public is not harassed in any way by landowners and other prominent persons of the village, and so on,

Whereas the aforesaid powers had been conferred on Panchayats in Tarai districts provisionally for 2 years beginning Chaitra 25, 2003 (April 6, 1947) pending the enforcement of the new regulations,

Whereas the Constitution Committee, consisting of the Minister and Commander-in-Chief, the Generals of the Western and Eastern Commands, other Generals, the Naib Bada Guraju and other officers and office heads has, in pursuance of our directive to determine, at its own discretion, the extent of amendments to be effected in the existing regulations, or of powers to be conferred to Panchayats in order to insure uniformity in the working of Panchayats in the hill and Tarai regions, has submitted a draft (of the Village Panchayat Act),

And whereas we have approved the said draft submitted by the Constitution Committee,

Now therefore, we hereby enact the following Village Panchayat Act throughout the State of Nepal,

Necessary copies of this Act shall be printed and issued by the Gorkhapatra Printing Press and shall be forwarded (against receipts containing necessary particulars) to all appropriate persons in order to insure that Panchayats and Panchayat Courts already existing in areas where new Panchayats are to be formed after demarcating their boundaries under the provisions of this (Village Panchayat) Act may be abolished in a smooth manner.

Part I

1. (a) This law may be called the Village Panchayat Act.
- (b) The Central Administrative Office shall publish orders, notifications and rules in the press in respect to the enforcement of this Act.
- (c) If so necessary, the Central Administrative Office may change or amend such rules.
2. (a) In order to establish a Village Assembly in every village or group of villages, a notification shall be published indicating the name and boundaries as well as the number of members of the Panchayat of such Village Assembly.

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- (b) The area under the jurisdiction of every Village Assembly thus established may at any time be altered at the discretion of the government or on the representation of such Village Assembly or the inhabitants of the village, if the reasons advanced therein are considered proper.
3. (a) Every Village Assembly as mentioned in the notification shall be considered a corporate body. It shall discharge functions within its authority according to laws and regulations. For the good of the body, it may sell, purchase or accept as gift or donation movable and immovable property and make proper arrangements in respect thereto, and issue or accept contracts of any other kind like an individual. It may sue and be sued against like an individual.
- (b) Every Village Assembly shall have a separate seal of its own.
4. All genuine citizens of the area under the jurisdiction of the Village Assembly who have attained the age of 21 years, other than those mentioned below, shall be its members:-
- (a) Lunatics.
- (b) Lepers.
- (c) Persons who have been declared bankrupt and insolvent.
- (d) Government employees posted in the area (under the jurisdiction of the Village Assembly).
- (e) Persons who have been convicted of offenses relating to elections.
- (f) Persons who have been sentenced to, or have undergone, imprisonment for more than six months for any offense, and have been released on parole for good conduct.
- (g) Members of associations which have been banned by the government.

Note -

Persons who have lived in the Village Assembly area for a year shall be considered genuine inhabitants thereof.

5. Unless any member becomes disqualified under the circumstances mentioned in Section 4, or moves to another Village Assembly area, he shall be regarded as a member of the Village Assembly.

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6. (a) The disqualifications mentioned in Clauses (e) and (f) of Section 4 may be removed by order of the government.
- (b) In case any person who is disqualified to become a member of the Village Assembly under Section 4 is already working as a member thereof for any reason, the action taken by the Village Assembly including such person shall not be invalid.
7. (a) In case any area comprising a Village Assembly is amalgamated with any Town or Village Panchayat, such Village Assembly shall be dissolved and accounts of its income and expenditure and its assets as well as documents in respect to the functions performed by it shall be handed over to the Town or Village Panchayat into which it is amalgamated.
- (b) In case any constituent area of a Village Assembly is situated within any Town or Village Panchayat area, only such part shall be separated (from the Village Assembly) and the accounts of income and expenditure and assets in respect to such part as well as documents concerning the functions performed therein shall be handed over to the Town or Village Panchayat into which it is merged.

Chapter II.

Meetings And Functions Of Village Assembly

8. (a) The members of the Village Assembly shall duly elect from among themselves a Chairman, a Vice-Chairman as well as an executive to be known as the Village Panchayat consisting of such number of members as prescribed in the order, each with a term of 3 years.
- (b) The members of the Village Panchayat shall duly elect from among themselves a Chairman and a Vice-Chairman, each of whom shall have a tenure of three years.
- (c) Every member of the Village Panchayat shall hold office for three years. The Chairman of the Village Assembly shall cause one-third of the members of the Village Panchayat to retire every year by rotation, and arrange for fresh elections to replace them.

Note - At the end of the first and the second year of the formation of the Village Panchayat, the Chairman shall organize lots to decide which one-third of the members should retire.

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- (d) Only persons who have attained the age of 25 years or more, are literate, hold property (land, houses, etc) within the area under the jurisdiction of the concerned Village Panchayat, and whose names are registered in the voters lists of the Village Panchayat, shall be entitled to be elected to the Village Panchayat.
- (e) Before assuming office, every member and employee of the Village Panchayat shall take oath in the following manner at the Village Panchayat meeting:-

"I swear by the name of God as well as the government of Nepal that I shall discharge my duties faithfully and impartially."
- (f) The Chairman of the Village Assembly, or, in his absence, the Vice-Chairman, shall conduct the proceedings of meetings of the Assembly.
- (g) In case any member dies or voluntarily resigns from his post, his seat shall be deemed to have fallen vacant. But no member shall continue in the following circumstances, when he shall relinquish his post. In case he does not relinquish his post in the following circumstances, the Village Panchayat shall cause him to do so:-
 - (1) In case he suffers from any of the disqualifications mentioned in Section 4,
 - (2) In case he absents himself from three consecutive meetings of the Village Panchayat without assigning any satisfactory reasons therefor to the Chairman by means of a notice,
 - (3) In case any member wilfully secures contracts from the Village Panchayat or accepts contracts or becomes a partner in any contract concluded with the Village Panchayat,
 - (4) In case he indirectly or covertly assists any person in filing a suit against the Village Panchayat or assists him in prosecuting a case against the Village Panchayat or openly pleads such cases himself,
 - (5) In case he behaves in a manner which is incompatible with his post or misuses his position so as to cause harm to the public.
- (h) The Chairman of the Village Panchayat, and, during his absence, the Vice-Chairman on the former's written order, shall perform the following functions:-

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- (1) To convene meetings of the Village Panchayat according to need, subject to the provisions of this Act and the Village Panchayat Rules, preside over such meetings and conduct the proceedings thereof.
 - (2) To supervise the work of employees of the Village Panchayat.
 - (3) To look after the financial affairs of the Village Panchayat, and to notify the Village Panchayat of omissions, if any, found therein.
 - (4) To perform such functions as the Chairman is required to perform under the different provisions of the law and regulations relating to Village Panchayats.
 - (5) To perform any other function under authority granted by the Village Panchayat.
 - (6) To submit such reports and statements as may be asked for by the District Panchayat or the concerned Central Administrative Office and forward resolutions passed by the Village Panchayat to such office within the prescribed time-limit.
- (i) The Chairman may have any functions within his authority, other than those mentioned in Sub-Clause (1) of Clause (h) of Section 3, performed by the Vice-Chairman under his supervision. He shall direct the Vice-Chairman to perform such functions through a written order.
9. (a) The Village Assembly shall hold its general meeting and conduct its proceedings twice a year - once after the harvesting of the winter crop and once after the harvesting of the monsoon crop. In case the Chairman himself so deems proper, or in case a minimum of 20% of the total members file an application requesting for the convening of a meeting to discuss a particular matter explaining the reasons therefor, the Chairman may convene an extraordinary meeting within 30 days from the date of the receipt of such application. He shall issue a written notice specifying the date, venue and agenda of such meeting.
- (b) No meeting shall be held unless it attended by at least 10% of the total members. In case this quorum is not achieved, another date for holding the meeting shall be fixed and such meeting may be held even if it may be attended by a minimum of 5% of the members. No meeting shall be held if it is attended by less than 5% of the total members.

Contd...

- (c) The employees deputed for this purpose shall demarcate the wards of the Village Assembly in such a manner as to make it convenient for holding elections to the Village Assembly.
 - (d) The Chairman, Vice-Chairman as well as all other members of the Village Panchayat shall not be required to discharge compulsory labor obligations and pay other taxes other than those to be levied on houses and compounds according to the tax-assessment records as long as they hold office.
10. (a) The Village Assembly shall, at its meeting to be held annually after the harvesting of the monsoon crop, inspect and approve statements of income and expenditure for the preceding year as well as for the current year up to the date of such meeting prepared by the Village Panchayat and clear the budget for the next fiscal year presented by the Village Panchayat.
- (b) The Village Assembly may revise or alter statements of income and expenditure presented by the Village Panchayat.
- (c) The Village Assembly shall, at the ordinary meeting to be held after the harvesting of the winter crop, discuss or make criticisms of the measures taken by the Village Panchayat in its area, the disputes disposed of by the Panchayat Court, as well as matters relating to the happiness or welfare of the villagers, formulate new plans and present them at the Village Panchayat meetings.

Chapter III

Duties, Functions And Powers Of Village Panchayats

11. The Village Panchayat shall perform the following functions. It shall allocate funds for such functions within the limits of its income.
- (a) To construct and repair roads and keep them clean.
 - (b) To make arrangements for protecting the health of the public.
 - (c) To look after sanitation and take measures for preventing and arranging medical treatment for epidemics and infectious diseases.
 - (d) To protect and look after the buildings and other assets in the custody of the Village Assembly as well as those that may be added to its custody subsequently.
 - (e) To compile and maintain population records.

Contd....

- (f) To remove encroachments, if any, by other persons on the houses or other assets belonging to or in the custody of the Village Assembly.
- (g) To maintain crematoria and arrange for places where corpses are thrown.
- (h) To submit reports to the District Administration Office regarding measures taken for the benefit of the villages under the jurisdiction of the District Panchayat.
- (i) To open and manage schools for providing primary education to children.
- (j) To set aside and take care of pasture grounds.
- (k) To construct, repair and protect public wells, tanks, ponds, water taps as well as sources of water, and arrange for and protect drinking places for cattle and ponds for washing and to protect trees situated around sources of water.
- (l) To construct new houses, extend or alter the structure of existing ones.
- (m) To extend assistance in the development of agriculture, trade and industry.
- (n) In the event of the outbreak of fire, to make arrangements for extinguishing it and protecting life and property from the fire.
- (o) To elect members to the Panchayat Court.
- (p) To make arrangements for maternity and child welfare.
- (q) To select places for dumping garbage.
- (r) To perform any other function assigned to the Village Assembly.
- (s) To make arrangements for the formation of the Panchayat Court and for meeting its expenses.
- (t) To make arrangements for maintaining cattle-pounds.
- (u) To increase the cattle population, improve cattle breeding, protect them from diseases and make arrangements for their treatment.

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- (v) To fill up and level dumping grounds and pits containing garbage.
- (w) To appoint peons to act as guards or sentries, and deliver written orders issued by the Panchayat and the Panchayat Court in accordance with the rules.
- (x) To contribute 20% of its income to the District Panchayat and to submit, if necessary, reports to the latter in accordance with the provisions of the Act.
- (y) To make arrangements for propagating and imparting training on cottage industry.
- (z) To make safeguards against theft, robbery, assault, etc, in moujes or wards of the Village Panchayat area or to quell riots or disturbances during fairs or exhibitions; arrest and hand over the culprits (to the police station) with the cooperation of the local people; and in the event of such assistance being inadequate, with the assistance of the District Administration Office or the Police Station after informing them accordingly; and to provide information, if any available, under Section 40 of the Law on Judicial Procedure (of the Legal Code).
- (aa) To take steps to prevent cows, buffaloes or other animals from damaging or destroying farms or fields.
- (ab) To look after the property of lunatics and orphans and make provisions for feeding destitutes according to the law on Poverty and Indigency.
- (ac) To prepare lists of members of the Village Assembly after it is constituted and to indicate changes if any, in the composition thereof every year.
- (ad) To accept copies of public notifications or proclamations (of the government) from the District Administration Office and Act accordingly and retain such copies with care.
- (ae) To perform within the area under its jurisdiction such functions as Talukdars and Jimidars (tax collection functionaries) are required to perform under Section 2 of the Law on Capital Offenses.
- (af) To perform any other function of a Village Assembly without prejudice to the Act and rules.

Contd...

Optional Functions

12. The Village Panchayat, if it so desires, may perform the following functions as well:-

- (a) To plant trees on either side of the road as well as in other appropriate places.
- (b) To establish cooperative societies.
- (c) To maintain godowns for the storage of improved seeds and agricultural tools.
- (d) To undertake relief measures in the event of famine and other calamities.
- (e) To open libraries and reading rooms and submit reports thereof.
- (f) To arrange for sports grounds and gymnasiums.
- (g) To see that places used for such purposes as leather work, dying and cooking are kept away from main settlements, so that they may not cause any inconvenience to the villagers.
- (h) To maintain radio sets and gramophones.
- (i) To make arrangements for lighting.
- (j) To open and run markets, fairs and hats (seasonal markets).

13. (a) Canals and irrigation channels other than those under the control of the government and individuals, drains and main roads and tracks (within the village) shall remain under the control of the Village Panchayat. In case it is necessary to repair such canals or channels, construct new drains, culverts, etc, or shift existing ones to other places, or to expand, deepen or improve such canals, drains, culverts etc, the Village Panchayat shall do so without causing any damage to adjoining fields or farms, as far as possible. The Village Panchayat may clear any bushes and trees, or branches thereof, if it is necessary to do so for the aforesaid purposes.
- (b) The Village Panchayat shall make arrangements for separate places for drawing drinking water, washing, bathing, etc, in order that filth and dirt may not reach them.

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14. (1) The Village Panchayat, if it so deems necessary to improve public health in the village, may, by notification, direct the concerned persons to undertake the following functions according to their capacity within a specified time-limit:-
 - (a) To repair or alter the design of lavatories and latrines or other similar dumping places.
 - (b) To clean ponds, tanks or water spouts.
 - (c) To clear bushes or grasses within the compound of houses.
 - (d) To remove garbages from the compound.
- (2) In case the owner of the concerned house is aggrieved by such notification, he may file an appeal against such order with the District Administration Office within 30 days from the date of the receipt thereof.
15. (a) Every Village Panchayat shall be required to open primary schools and Pathsalas in accordance with the rules meant for primary schools and Pathsalas. The Village Panchayat shall introduce such curricula as are prescribed by the Education Department and appoint qualified teachers for such schools. It shall provide assistance to existing schools or Pathsalas.
- (b) The Village Panchayat shall open dispensaries subject to the rules framed by the Health Department.
- (c) The subsidies received from the government as well as contributions in cash or in kind collected for purposes mentioned in the preceding rules shall be kept with care and accounts thereof shall also be maintained.
16. In case any Village Panchayat is unable to establish schools or dispensaries in its area independently, it may open schools and dispensaries jointly with any other Village Panchayat.
17. (a) In case the District Administration Office issues any written order to the Village Panchayat directing it to provide assistance to government employees who are deputed to its area on any official business of any kind, it shall accordingly provide every possible cooperation to them.

- (b) In case any person who has committed any offense punishable by law and regulations in respect to State cases, or has absconded from jail, or is in arrears to the government, or in respect to whom notification and warrants have been issued, is found entering the Panchayat area, the Village Panchayat shall inform the appropriate office or regional court accordingly and shall also assist in arresting him.

18. (a) In case the Village Panchayat feels that it is necessary to undertake any task for the welfare of the people within its area, it shall inform the concerned Central Administration Office of the steps needed to be taken in respect thereto and then act as directed.

- (b) In case any government employee deputed on official business, or any Jimidar, Patuwar, Talukdar or any other person, is found to have harassed or to be harassing the local people, the Village Panchayat shall report the matter along with evidence to the Chief Officer of the appropriate District Administration Office. On receipt of such report, the concerned District Administration Office shall take action or direct action to be taken according to law and regulations.

19. In case the Village Panchayat is asked to recover government arrears or any other outstanding amounts from persons within the area under its jurisdiction, or in case it is requested by any person to collect rents or any other dues which he is entitled to receive according to law and regulations, the Village Panchayat may recover such arrears, rents or other dues on the basis of a contract or in any other manner which may benefit it.

20. In case any member of the Village Panchayat or any Joint Committee formed under this Act or the rules, or any member thereof, misappropriates or causes loss of funds belonging to or in the possession of the Panchayat, only such member or committee shall be personally accountable therefor. Suits may be filed against such member or committee in order to realize such losses.

21. A permanent Taharir (clerk) may be appointed in order to conduct the business of the Village Assembly smoothly. His salary shall be paid from of the Village Assembly Fund. In case it is required to appoint more than one such employee or to appoint any number of temporary employees, the Village Assembly shall seek the approval of the appropriate office and act as directed. If it becomes necessary, the Village Assembly may appoint one person on a temporary basis for a maximum period of six months. It may also dismiss its employees.

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22. The Village Panchayat may, if necessary, form any committee from among its members to assist in the performance of any function specified in this Act. The Village Panchayat may delegate any of its powers to such committee.
23. Two or more Village Assemblies may jointly form a committee to discuss matters concerning their areas and delegate necessary powers to it. The inhabitants of such villages or areas shall be under obligation to abide by the rules framed by such Joint Committee.
24. Every Village Panchayat shall maintain a fund of its own. The following amounts shall be credited to this fund after making entry thereof in the accounts:
25. (a) Proceeds of taxes which the Village Panchayat is empowered to levy under this Act.
- (b) Subsidy in cash or in kind granted by the government to the Village Assembly.
- (c) Amounts which are directed by any government court to be credited to the accounts of the Village Panchayat.
- (d) Proceeds from fines, Baksauni, etc, imposed under Section 43 of the Panchayat Court Act.
- (e) Sale proceeds of garbage, cow-dung, carcasses, etc, collected by employees of the Village Panchayat.
- (f) Loans obtained by the Village Assembly.
- (g) Subsidies or grants provided by the District Panchayat or any other Panchayat.
- (h) Donations made by any person to the Village Assembly.
- (i) Financial subsidy granted to it by the government for purposes specified by it.
- (j) Amounts received (from any person or agency) under Section 17.
- (k) Fines on stray animals and other levies imposed under the Act and regulations.
- (l) Income accruing from the movable and immovable assets in the possession of the Village Assembly.

To Be Continued

Miscellaneous Land Grants And Endowments

1. Land Grant To Muslim Caretakers Of Ranipokhari Tank In Kathmandu

From King Ran Bahadur,

To Karimullah, Rahimullah, Fakrullah and Bismillah.

You have constructed a new house on a plot of land near the Ranipokhari bridge and are living there. We hereby grant this land to you as Gharbari. Construct seats and doors on the rest-house on the bridge. Keep it locked from early evening throughout the night. Keep it open during the day. Do not permit anybody to wash his clothes or bathe his head, or to pass urine or excretion, in the tank. With due loyalty, plant fruits and flowers on the land and appropriate the produce.

Kartik Sudi 5, 1852
(9/16)

2. Guthi Endowment For Whitewashing Bridge On Bishnumati River In Kathmandu

From King Girbano

We hereby endow 300 muris of lands mentioned below for whitewashing the bridge on the Bishnumati river on Kartik Badi loevery year. Yasdhar Bajrakarmi is entrusted with the responsibility of operating this Guthi. Income from these lands shall be utilized to whitewash the bridge. 10 ropanis of lands have been allotted as the emoluments of the Guthiyar. The surplus amount shall be kept in reserve to finance necessary repairs. In case the amount proves to be inadequate, the matter shall be referred to us.

(Particulars of 300 muris of lands situated in Kirtipur and Thansing, Nuwakot district, follow).

Shrawan Badi 10, 1867
(9/62)

3. Confirmation Of Land Grant Made During Solar Eclipse

From King Girban,

To Gopal Jha, son of Tota Jha.

Formerly, the King of Makwanpur had granted the mouja of Sudiyahi in Mahottari Parganna of Mahottari district, after indicating the boundaries thereof, as Kush Birta during a solar eclipse with the object of propitiating

Contd...

Vishnu. Our father (i.e. King Ran Bahadur) had confirmed this grant for propitiating Vishnu. Udaya Singh and Ganapati Padhya had been deputed to measure the lands so that a copper plate might be issued. They have demarcated the boundaries and submitted their report. We hereby issue this royal order on copper plate (confirming the grant) of the lands being utilized so far as well as all revenues accruing therefrom, with the exception of Goddhuwa, Gadimubarak, Chumawan and Sair. With due loyalty, reclaim the land and promote settlement and appropriate the produce, knowing it to be Kush Birta, and enjoy happiness from generation to generation. Wish victory for us and bless us. The Birta owner shall not encroach upon lands not mentioned in the grant, which shall not be confiscated without any offense being committed. In case you do not comply with these restrictions, you shall be a sinner in this world. Any person who confiscates land granted by himself or by others shall be reborn as a worm and live in human excretion for 60,000 years.

Baisakh 1 (Badi 8) 1869
(9/223)

4. Waste Land Grant For Guthi Endowment For Maintenance Of Water-Spout

From King Rajendra,
To Jaifar Adhikari.

We hereby grant 13 muris of waste land in Khari for endowment as Guthi to repair and maintain the water-spout constructed by you on the Khari hill on the main road leading to Bunkot. With due loyalty, reclaim the waste land, repair and maintain the water-spout and use the land as Guthi.

(Particulars of land follow).

Marga Badi 14, 1891
(9/282)

Glossary Of Revenue, Administrative And
Other Terms Occurring In Nepali Historical
Documents

Munsiff	...	A district-level official responsible for land measurement and the preparation of tax assessment records in the Tarai districts. His high status is proved by the authority granted to him to dismiss Chaudharis and other revenue collection functionaries in consultation with the chief of the district administration if they refused to reclaim waste lands. The Munsiff was also responsible for land reclamation and resettlement. He was authorized to give tax exemption to settlers for an initial period of 2 or 3 years.
Musa Praja	...	Ryots who were under the jurisdiction not of the State but of Birta or Kipat owners. In contradistinction, those who were under the control of the State were known as Raja Praja.
Nankar	...	Lands assigned to Chaudharis and other revenue collection functionaries as their emoluments in the Tarai districts.
Nayak	...	An official appointed by the Government of Nepal in Lhasa, Tibet, to exercise judicial authority over the local Nepali business community. He was assisted by leading merchants, who were known as Thakalis.
Nirkhi	...	A tax collected from settlers and purchasers of commodities in the eastern Tarai districts. It was abolished some time after 1798. In 1805, the tax was introduced for sellers only in the central and eastern hill regions.

Contd....

Nisaf	...	A corrupt form of the Arabic "Nisaf" which meant "taxable minimum." A levy was collected on this basis on lands allotted to Mokaddams in the eastern Tarai before 1794.
Nun-Bhansari	...	An official appointed to collect duties on salt imported from Tibet.
Nwagi-Kharcha	...	A levy collected in Thak and elsewhere in the form of newly-harvested grains.
Pagari-Dastur °	...	A payment of Rs 5 collected from the winner in a court case in return for a turban (Pagari)°
Pahidar (Also Pahikasht)	...	In the Tarai districts, cultivator who does not live in the village where his lands are situated.
Pakho	...	Unirrigated hillside or high lands possibly a corrupt form of the Persian "bakhs."
Panchakhat	...	Originally, offenses relating to bribery, smuggling, murder (including infanticide), assault resulting in the shedding of blood and cow-slaughter. Subsequently, offenses involving capital punishment, shaving of the head, branding for degradation to a lower caste and loss of caste.
Panchit	...	A levy imposed in the eastern Tarai districts before 1793; the proceeds were appropriated by local officials and functionaries. Replaced by the Gram-Kharcha levy in that year.
Parta	...	Waste lands, possibly a corrupt form of the Mughal term "Parauti."
Basuban	...	Compensation paid to the husband by a person who took his wife.

Contd...

Patuwari	...	In the Tarai districts, a functionary who maintains tax assessment and collection records.
Paulo	...	A quantity of gold dust equal to 6 mashas, valued at Rs 8 in Jumla in 1836.
Peshkar	...	A judicial functionary in some Tarai districts.
Potadar	...	An official appointed to collect the Pota tax on Birta lands in Kathmandu Valley.
Pradhan	... (1)	A revenue collection functionary in Kathmandu Valley at the village level chosen from among local landowners.
	(2)	Headmen of the Putwar, Dole, Bala, Duiyan, Dali and other communities in Kathmandu Valley.
Puchhahi	...	A tax levied on falcons in Jumla, Dullu, Dailekh and other areas.
Purohitio	...	A tax imposed on Brahman priests in the eastern Tarai districts.
Prajajat	...	A generic term used to denote such communities as Bhote, Chepang, Darai, Majhi, Hayu, Danuwar, Kumhal and Pahari, but not Gurung, Limbu and Rai.
Pradhan	... (1)	A revenue functionary in Kumaun who assisted the Kamin in the collection of revenue and the exercise of judicial authority.
	(2)	In Kathmandu Valley, there were four Pradhans to assist the Dware in discharging similar functions.
Raibandi	... (1)	Tax assessment schedule.

Contd....o

(2) Land allotments among local inhabitants in proportion to their physical capacity and the size of their families.

(3) Allotments to military personnel of revenue assigned to the company.

Raj-Anka

...

A generic term used to denote taxes and levies the proceeds of which accrued to the royal palace. These included Walak, Godan, Chumawan, Gadimubarak, Goddhuwa, and Fattemubarak.

Rajwar

...

A revenue collection functionary in the far-western Tarai.

Sagauddha

...

A levy on communal facilities such as pastures and sources of water in the eastern Tarai districts.

Sahanapal

...

- (1) A functionary appointed in villages in Kathmandu Valley to prevent cattle from straying into fields.
- (2) A tax collection from peasants to finance the emoluments of the Sahanapal.

Sair

...

Taxes other than land tax, such as customs duties.

To Be Continued
